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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

TUCKER, PHILIP C

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 12/28/2001

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

805316

Applicant(s)

GREEN

Examiner

P. TUCKER

Group Art Unit

1712

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1 - 13 is/are pending in the application.
Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1 - 12 is/are rejected.
- ☒ Claim(s) 13 is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2, 3
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

Claim Objections

1. Claim 13 is objected to under 37 CFR 1.75© as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claim 13 has not been further treated on the merits.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-10 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

These claims all teach the terms "selected from the group substantially consisting of" or "selected from the group that substantially consists of", which renders the claims indefinite, since none of the listed materials have to be present in the pellet, and others not listed may be part of the pellet. The proper term for such Markusk grouping is "selected from the group consisting of".

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Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 1, 2, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bloys (5065820).

Bloys teaches a lost circulation additive which comprises compressed sponge particles (column 3, lines 14-25).

6. Claims 1, 9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Cowan et al. (5076944).

Cowan teaches a lost circulation additive which comprises ground, compressed cotton burrs (column 3, lines 28-48 and column 4, lines 6-11).

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7. Claims 1, 2 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Alexander (4836940).

Alexander teaches a lost circulation additive which comprises pellets of bentonite and a polymer (see claim 1).

8. Claims 1, 2, 7, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Cremeans (4217965).

Cremeans teaches a lost circulation additive which comprises ground cottonseed hulls (see claim 1 and column 3, line 67 - column 4, line 2).

9. Claims 1, 2, 5, 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Wagener (4428844).

Wagener teaches a lost circulation additive which comprises pellets of paper (see column 4, line 30 - column 5, line 21).

10. Claims 1, 2, 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Alexander (4462470).

Alexander teaches a lost circulation additive which comprises pellets of clay (column 3, lines 31-45).

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11. Claims 1, 2 and 7-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Armentrout (2836555).


Armentrout teaches a lost circulation additive which comprises compressed pellets of bentonite clay (see claim 1).

12. Claims 1, 2, 7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Armentrout (2642268).

Armentrout teaches a lost circulation additive which comprises compressed pellets of materials such as bentonite (see claim 1 and column 3, line 50 - column 4, line 35).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Tucker whose telephone number is (703) 308-0529. The examiner's normal working hours are 7:30am-4:00pm, Monday-Friday. If necessary SPE Robert Dawson may be contacted at 703-308-2340. For inquiries of a general nature call the receptionist at 703-308-0651. The group FAX no. is 703-872-9310. The **after final** fax no. Is 703-872-9311.

PCT-2362
December 27, 2001


PHILIP C. TUCKER
ART UNIT 1712